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taken or the business changed. Judge Doe, noting that the statutes providing for amendment were passed because of the decision in the *Dartmouth College Case*, approaches the other extreme, taking the view that they were intended merely to enable the legislature to repeal the charter. On a fair construction of the contract, it would seem as if it were intended to reserve an additional control over the corporation, and, while many of the cases support the first theory considered above by *dicta*, it is yet generally held that all alterations must be consistent with the scope and objects of the corporation's existence as originally chartered. It must be a change, not a substitution. Judge Thompson considers this a possible way of modifying his first view. In the principal case the corporation, a railroad, was given authority to lease its entire property. The court held, and it would seem correctly, that the change from an operator of a road to a mere lessor was a fundamental one, and therefore in excess of the power that had been reserved.

So much as to the correct construction of the agreement. Judge Doe goes on to say, that, even if the parties did suppose that the legislature stipulated for an unlimited right to amend, the result would be the same, for this would be an attempt to obtain a power greater than the Constitution allows. Judge Thompson also holds this view, and thereby his theories are substantially modified, but its soundness has been much disputed. See *The Sinking Fund Cases*, 99 U. S. 700. It should be added, that the opinion contains a long and masterly discussion of the *Dartmouth College Case*, in which the Chief Justice disagrees with the decisions of both State and Federal Courts.

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REPRESENTATIVE ENGLISH JUDGES OF TO-DAY.—This brief sketch of four leading judges is intended to supplement the note on the Principal Courts of England, published in the last number of the REVIEW. Neither a biography nor a satisfactory diagnosis of character can be given within the limits of a note; but to vitalize and make individual certain familiar names is an object perhaps possible of attainment. The present Lord High Chancellor, Baron Halsbury, now at the head of the English judicial system for the third time, is a noteworthy exception to the common saying of the English bar, that a criminal practitioner never reaches the Woolsack. He was educated at Oxford, was made Queen's Counsel in 1865, Solicitor General under Mr. Disraeli in 1875, and sat as Conservative member for Launceston from 1877 till he was raised to the peerage and made Lord Chancellor in 1885. As Mr. Hardinge Giffard, he had a large criminal practice, and was particularly successful in addressing a jury. Eloquent and emotional, he often appeared so touched with his own appeals that he was given the nickname of the "Weeping Counsel." He appeared for the plaintiff in the famous Tichborne case, and held a brief in most of the important causes that came to trial when he was at the bar. Lord Halsbury is of genial and kindly temperament, a keen partisan, and very prominent socially. His career in the House of Commons was not brilliant, and he owes his high office rather to his legal abilities than to political eminence.

The most attractive figure on the English bench to-day is Lord Russell of Killowen, the Lord Chief Justice of England. For years he was the unquestioned leader of the English bar, and the list of causes in which he was leading counsel comprises nearly all the famous cases

of the time. Perhaps his greatest triumph was before the Parnell Commission, when his terrible cross-examination of Piggott, who was chief witness for the London Times, utterly broke down the strongest part of the case against his client, Charles Parnell. Russell's opening speech for the defence during this investigation lasted nearly seven days, and called forth the undisguised admiration of the presiding justices, the opposing counsel, and the public at large. He was counsel in the arbitration of the United States Fisheries claims at Paris, and defended Mrs. Maybrick when she was tried for the murder of her husband. Lord Russell is of Irish birth, was educated at Trinity College, Dublin, and has been Queen's Counsel, Liberal member of Parliament, Attorney General, and Lord of Appeal in Ordinary. He is said to be a charming companion, is a great lover of sport, and an accomplished horseman, and was formerly a member of the Jockey Club and well known on the turf.

The oldest English judge in active service is Lord Esher, M. R., formerly Brett, J. His career on the bench has been long and eminent, beginning with his appointment as Justice of the Common Pleas in 1868. His opinions are noteworthy for the firm and clear manner in which great principles of law are stated and applied to the facts in hand. Broad-minded, and with a high degree of legal acumen, he is regarded as the great apostle of judicial common sense. Kindly and with a keen sense of humor, he yet rules his court strictly on all points of decorum or delay, and among counsel has the reputation of being almost unduly severe. The robustness of his personality was made manifest when, entering politics as a Conservative, he boldly announced himself a Tory, and led a forlorn hope against Mr. Cobden at Rochdale in 1864. At Caius College, Cambridge, he was a distinguished athlete, winning a seat in the University boat. Lord Esher has been Queen's Counsel, member of Parliament, Solicitor General, and Judge of the High Court of Justice.

The Hon. Sir William Joseph Chitty, made Lord Justice of Appeal last January, comes from a family famous in legal annals, and himself is one of the ablest equity lawyers of the time. He is a judge profound and accurate in learning and of admirable common sense. His recent promotion from the Chancery Division met with practically universal approval. He was educated at Eton, and at Balliol College, Oxford, where he took a first class in classics. He took silk in 1874, and was Liberal member for Oxford in 1880. Chitty has always been keenly interested in athletics. He was on the eleven at Eton, and twice rowed stroke in the Exeter boat when he was a Fellow of that College. For years he was familiar to the general public as umpire of the Cambridge and Oxford boat races, and even now the dinners held annually after the Henley Regatta are said to be truly successful only when Chitty presides. In social and human qualities, as well as from the professional point of view, the new Lord Justice seems to be particularly well equipped.